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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,379	01/13/2004	Harold D. Hutchinson	4056	3616

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EXAMINER	
CAZAN, LIVIUS RADU	
ART UNIT	PAPER NUMBER
3729	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,379	HUTCHINSON, HAROLD D.	
	Examiner	Art Unit	
	Livius R. Cazan	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 12-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 04/28/2006 has been fully considered and made of record. Cancellation of claim 11 is acknowledged.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 8, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said first rectangular block" in line 3. There is insufficient antecedent basis for this limitation in the claim, since the blocks are described as being rectangular only in claim 2.

In claim 8, line 6, "troughs in said second crimping block" should probably read --troughs on said second crimping block--.

Claim 13 depends on canceled claim 11. For examination purposes, claim 13 is considered to depend on claim 10, although it is unclear whether or not this was Applicant's intention.

Claim Rejections - 35 USC § 102/103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 5, 9, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by, or, in the alternative, as being unpatentable over Jaskolski (US4650379).

a. Regarding claim 1, Jaskolski discloses:

i. A first crimping block (top 18 in Fig. 1) having a plurality of crimping ribs (set screws 30 in Fig. 1) for engaging a connector fitted on the end of a cable, said plurality of crimping ribs integral to said first crimping block (see Note)

ii. A second crimping block (base or bottom 17 in Fig. 1) having a plurality of crimping troughs (v-shaped troughs in Fig. 1) on a surface adapted to mate with said ribs on said first crimping block

iii. A bolt (screws 32 in Fig. 2) passing through a bore on each respective end of said second crimping block (17) into threaded bores in each respective end of said first crimping block (18). It is deemed inherent that bottom 17 is threaded, since screws 32 are inserted into the direction of face 12 of Figs. 1 and 6, and since in order for screw 32 to secure the top 18 it must be able to engage a threaded bore in bottom 17. Also, in Fig. 3, the bore of top 18 has the same diameter as the bore of bottom 17,

and therefore it is deemed inherent that the bore of top 18 is also threaded. Since both bores are threaded, Jaskolski discloses the limitations of claim 1, even though the screw 32 passes from the first block into the second block, instead of the reverse.

Whereby a connector may be attached to a cable by placing a cable and connector in a respective crimping trough and tightening down said bolts until a respective crimping rib engages a respective crimping trough crushing and securely crimping said connector on an end of said cable.

Note: The ribs (set screws 30) are deemed integral to the first crimping block. It has been held that "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding (*In re Hotte*, 177 USPQ (CCPA 1973)). The set screws are fastened within holes into the block and do not move of their own accord.

To the extent applicant disagrees that the set screws are an integral part of the block, it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art (*Howard v. Detroit Stove Works,* 150 U.S. 164 (1893)). In the cited case, a stove grate, which had formerly been cast in two pieces and put together, is cast in one piece. The court found that this does not constitute novelty or invention.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Jaskolski by casting the

crimping block 18 with integral ribs instead of adjustable ribs, in order to reduce the complexity of the device.

b. Regarding claim 2, Jaskolski discloses first and second crimping blocks being rectangular (See Figs. 1, 2, and 5).

c. Regarding claim 3, Jaskolski discloses the first and second crimping blocks being approximately equal in size (See Figs. 1, 2, and 5).

d. Regarding claim 5, Jaskolski discloses the height of each of said plurality of ribs being selected to nearly fully engage a respective trough in the second crimping block. Each set screw 30 can be adjusted so as to be closer or farther away from a corresponding trough.

e. Regarding claim 9, Jaskolski discloses the same invention as the applicant. See the discussion in part **a** above regarding both bores being threaded. Therefore the bolts (screws 32) would be retained when the second crimping block is separated from the first crimping block.

f. Regarding claim 14, Jaskolski discloses a second crimping block having flat areas on at least one end for gripping the crimping device, (see image below).

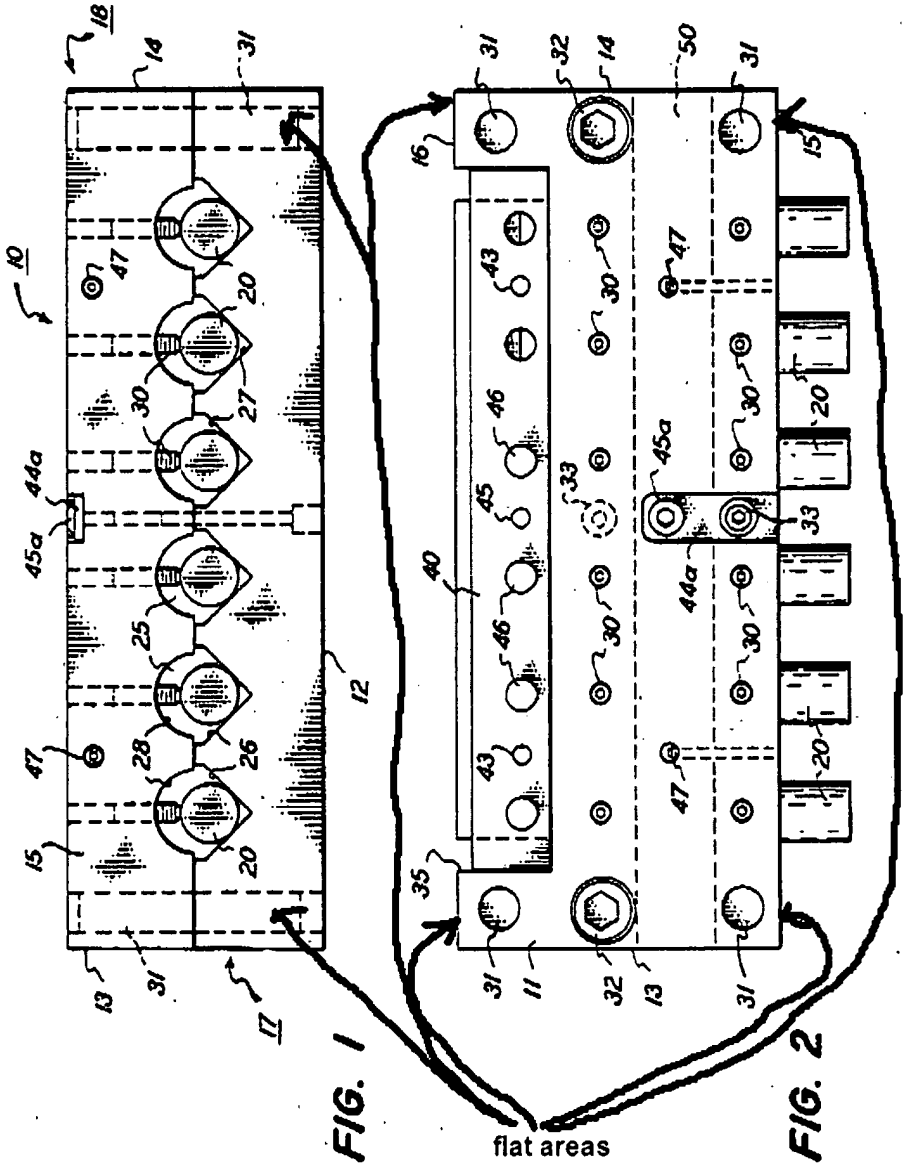

FIG. 1 FIG. 2

7. Claims 1-5, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swage-It (hereinafter "Swage") in view of Nowell (US4322123).

a. Regarding claims 1-5, Swage discloses:

i. A first rectangular crimping block (see page 2 of Swage)

ii. A second rectangular crimping block, *approximately* equal in size to the first block (see page 2 of Swage), having a plurality of crimping troughs varying in size so as to accommodate different size cables (see page 2 of Swage)

iii. A bolt (see bolts on pages 1 and 2 of Swage; clearly, the bolts can be attached at multiple locations, including the ends of the tool) passing through a bore on each respective end of said second crimping block () into threaded bores in each respective end of said first crimping block ()

Whereby a connector *may* be attached to a cable by placing a cable and connector in a respective crimping trough and tightening down said bolts, crushing and securely crimping said connector on an end of said cable.

Swage does not disclose a first rectangular crimping block having a plurality of crimping ribs, each of the ribs having a plateau and having a length approximately equal to the width of the first rectangular block. Instead, the first block of Swage has crimping troughs, just like the second crimping block.

Newell teaches a crimping device having two blocks, a first crimping block having a rib (crimping tooth 46) having a plateau and having a width *approximately* equal to the width of the first block (see Figs. 2 and 3), and a second block having a crimping trough (50, Fig. 2), the rib

being of a height selected to *nearly* engage the trough on the second crimping block (see Fig. 4)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the crimping blocks of Swage, in view of the teachings of Newell, by replacing the troughs of the first block with a plurality of ribs as described above, corresponding to crimping troughs of the second block, so that a more secure fit can be effected between a terminal and a cable, than can be produced by having crimping troughs on both blocks. See abstract of US4043174 for further supportive evidence.

b. Regarding claims 14 and 15, Swage discloses a second crimping block having flat areas on at least one end for gripping the crimping device, the second crimping block being longer than the first crimping block to provide the flat areas on either end of the second crimping block, whereby the crimping device can be gripped by hand or a clamping tool on either end of the second crimping block (see images of Swage).

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swage and Newell, as applied to claim 1 above, in view of Wilson (US3172454).

Swage and Newell disclose the same invention as the applicant, except for a second crimping block having a plurality of crimping troughs on a surface opposite a surface adapted to mate with a first crimping block, whereby all the crimping troughs vary in size to accommodate different size cables, and whereby a plurality of crimping

troughs on a surface that mates with a first crimping block is equal to the number of crimping troughs on the surface opposite the surface that mates with the first crimping block, thereby doubling the total number of troughs on the second crimping block.

Wilson teaches providing a second block (see figure below) of a device with troughs on two opposite faces of the block, the troughs being of varying sizes, so as to double the total number of troughs (relative to the number of troughs on only one of the faces, i.e. 8 instead of 4) and thereby allow the device to be capable of engaging twice as many different sizes of tubes (one face can engage a tube having one of four different sizes, the other face can engage a tube having one of four sizes different from the first four sizes, whereby the total number of different sizes is eight) (see figure below; also see col. 1, lns. 55-65 of Wilson)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the second crimping block of Swage and Newell, in view of the teachings of Wilson, by providing the second crimping block with all the structural limitations of claims 6-8, so as to allow the crimping device to engage twice as many different sizes of cables.

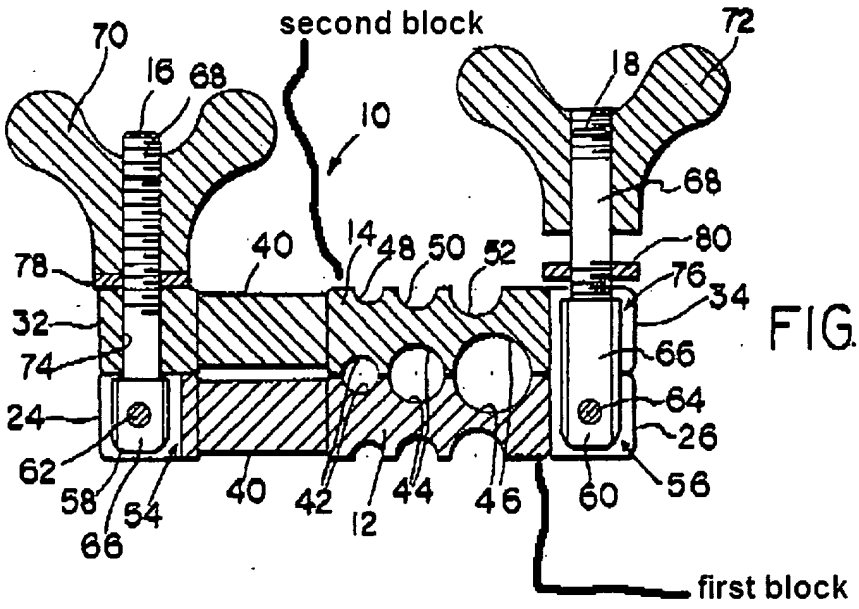

FIG. 2

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swage and Newell as applied to claim 1 above, in view of Dobrosielski et al. (US3018127).

Swage and Newell disclose the same invention as the applicant, but are silent as to whether or not the second crimping block has threaded bores so as to retain the bolts when the second and first blocks are separated.

Dobrosielski et al. teach the concept of providing threaded bores in each of two parts to be joined using bolts, whereby when the two parts are separated, bolts are retained by the threading of one of the parts (see Figs. 2 and 3; see col. 2, lns. 19-29; see threaded portion 27 in cover 11 and threaded portion 23 in cabinet 10).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provided threaded bores in the second crimping block, in

view of the teachings of Dobrosielski et al., in order to retain the bolts when the two blocks are separated.

10. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swage and Newell as applied to claim 1, in view of Hamilton (US4192171).

Swage and Newell disclose a handle (see figures) extending from one end of the crimping device for holding the second block in position while a connector is being crimped on the end of a cable.

Swage and Newell do not disclose a handle that is removable, has a threaded shaft on one end, the second crimping block having a threaded bore on and end for removably receiving the threaded shaft on the handle.

Hamilton teaches a removable handle (22 in Fig. 1) having a threaded end (see Fig. 1) secured to a part of a crimping tool having a threaded bore for removably receiving the threaded end of the handle (see Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Swage and Newell, in view of the teachings of Hamilton, by replacing the handle of Swage and Newell with a handle having a threaded shaft at one end, and by providing a first threaded bore on and end of a second crimping block, said first bore being capable of removably receiving the threaded shaft of the handle, in order to allow the handle to be detached from the crimping device.

11. Claim 13, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Swage, Newell, and Hamilton, as applied to claim 10, in view of Echols (US1425757).

Swage, Newell, and Hamilton disclose the same invention as the applicant, except for a second crimping block having a bore not only on a first end, but on an opposite end as well, whereby the handle may be removably attached to either end of the crimping block.

Echols teaches the general concept of providing both ends of a tool/device with threaded bores, so as to be able to removably attach a handle to either end (see handle 4, capable of being attached to either threaded sockets 2 or 3, Fig. 1).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the crimping device of Swage, Newell, and Hamilton with yet another threaded bore, so that each end of the second block has a threaded bore, in order to allow the handle to be attached to either end.

Response to Arguments

12. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Applicant's argument that the set screws 30 cannot be understood as ribs either in terms of structure or function, especially since they are threaded through top 18, and therefore are not integral to the block body, the Examiner disagrees. As stated in the appropriate rejection, (part 6a), the term "integral" is sufficiently broad to include methods of attachment such as by screws. The set screws

30 are in fact fastened to the block by being screwed into the block, and it is therefore deemed that they are an integral part of the block. Further, since the structure disclosed by the Jaskolski reference meets the claimed structural limitations, as carefully articulated both in the previous and in the present Office Action, the function of the structural elements disclosed is irrelevant.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Livius R. Cazan whose telephone number is (571) 272-8032. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571)272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LRC 06/23/2006

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